IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 175 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUKESHBHAI DASHRATHBHAI PATEL

Versus

ARJANBHAI CHHAGANBHAI BHARWAD

Appearance:

1. Appeal from Order No. 175 of 2001

MR CG SHARMA for Appellant No.

MR SK BUKHARI for Respondent No. 1

MR BG JANI for Respondent No. 2-6

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 21/10/2000 passed in order below application exh.5 by the learned Civil Judge (S.D.), Ahmedabad (Rural) in Special Civil Suit No.106 of 2000, whereby the said application was

granted.

2. This Court by order dated 25/06/2003 passed in Civil Application No.5701 of 2001 had granted interim stay in terms of Para-16(A) on condition that the applicants - defendants no.1 & 2 shall not transfer, alienate or create right or interest of the third party in the land or any part of the land in question or in any part of the contruction made / to be made on the land in question without the prior permission of the trial Court. Now, as interim relief is operating, it would be appropriate to direct the parties to maintain status quo, till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit while continuing the interim relief granted by this Court.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit being Special Civil Suit No.106 of 2000 pending before the Court of the learned Civil Judge (S.D.), Ahmedabad (Rural) and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of one year from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]

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